

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT☐ SUPERSEDED**OFFENSE CHARGED**

21 U.S.C. §§ 841(a)(1), (b)(1)(B)(viii) - Distribution of Methamphetamine; 21 U.S.C. § 853(a) - Drug Forfeiture Allegation

- ☐ Perjury
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

SEE ATTACHMENT

Name of District Court, and/or Judge, Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

JUAN TORRES

DISTRICT COURT NUMBER

CR09-00872 CW

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FEDERAL BUREAU OF INVESTIGATION

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. ATTORNEY ☐ DEFENSESHOW
DOCKET NO.☐ this prosecution relates to a pending case involving this same defendantMAGISTRATE
CASE NO.☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form JOSEPH P. RUSSONIELLO

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) WADE M. RHYNE, AUSA

DEFENDANT**IS NOT IN CUSTODY**

- Has not been arrested, pending outcome this proceeding.
 1) ☒ If not detained give date any prior summons was served on above charges

2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: Before Judge:

Comments:

UNITED STATES OF AMERICA

v.

JUAN TORRES

COUNT ONE: (21 U.S.C. §§ 841(a)(1), (b)(1)(B)(viii) – Distribution of Methamphetamine)

PENALTY: Statutory Penalty *Without* Prior § 851 Filed:

Imprisonment:	Maximum 40 Years Mandatory Minimum 5 Years
Fine:	Maximum \$2,000,000
Supervised Release:	Maximum Lifetime Mandatory Minimum 4 Years
Special Assessment:	Mandatory \$100

Statutory Penalty *With* Prior § 851 Filed:

Imprisonment:	Maximum Lifetime Mandatory Minimum 10 Years
Fine:	Maximum \$4,000,000
Supervised Release:	Lifetime Maximum Mandatory Minimum 8 Years
Special Assessment:	Mandatory \$100

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: Oakland

FILED

AUG 27 2009

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES OF AMERICA

V.

~~RECEIVED BY ORDER
OF THE COURT~~

JUAN TORRES,
a/k/a "Juan Torres-Pena,"

CR09-00872 CW

DEFENDANT.

INDICTMENT

21 U.S.C. §§ 841(a)(1), (b)(1)(B)(viii) –
Distribution of Methamphetamine;
21 U.S.C. § 853(a) – Drug Forfeiture
Allegation

A true bill.

W. Bradley Foreman

Filed in open court this _____ day of _____

Clerk

Bail, \$ No bail required.
Wayne D. Brazil 8/27/09

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

SEAL BY ORDER
OF THE COURT

FILED
AUG 27 2009
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN TORRES,
a/k/a "Juan Torres-Pena,"

Defendant.

No. 09-1000000-1

VIOLATION: 21 U.S.C. §§ 841(a)(1),
(b)(1)(B)(viii) – Distribution of
Methamphetamine; 21 U.S.C. § 853(a) –
Drug Forfeiture Allegation

OAKLAND VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (21 U.S.C. §§ 841(a)(1), (b)(1)(B)(viii) – Distribution of
Methamphetamine)

On or about March 12, 2009, in the Northern District of California, defendant,
JUAN TORRES,
did knowingly and intentionally distribute a Schedule II controlled substance, namely, a mixture
and substance containing at least 5 grams but less than 50 grams of actual methamphetamine, in
violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(viii).

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INDICTMENT

CW

11/11/09
J. W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

1 FORFEITURE ALLEGATION: (21 U.S.C. § 853(a) – Drug Forfeiture)

2 1. The factual allegation contained in Count One of this Indictment is realleged and
3 by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the
4 provisions of 21 U.S.C. §§ 853(a)(1) and (2).

5 2. Upon a conviction of the offense alleged in Count One, the defendant,
6 JUAN TORRES,
7 shall forfeit to the United States all right, title and interest in property constituting and derived
8 from any proceeds defendant obtained, directly or indirectly, as a result of said violations, and
9 any property used, or intended to be used, in any manner or part, to commit, or to facilitate the
10 commission of the said violations, including, but not limited to, a money judgment which
11 represents the value of narcotics distributed by defendant.

12 3. If, as a result of any act or omission of the defendant, any of said property
13 a. cannot be located upon the exercise of due diligence;
14 b. has been transferred or sold to or deposited with, a third person;
15 c. has been placed beyond the jurisdiction of the Court;
16 d. has been substantially diminished in value; or
17 e. has been commingled with other property which cannot be divided without
18 difficulty;
19 any and all interest defendant has in any other property (not to exceed the value of the above
20 forfeitable property) shall be forfeited to the United States.

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INDICTMENT

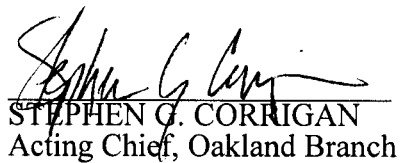
1 All in violation of 21 U.S.C. §§ 853(a)(1) and (2), (p) and Rule 32.2 of the Federal Rules
2 of Criminal Procedure.

3
4 DATED: August 27, 2009

A TRUE BILL.

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6 
FOREPERSON

7 JOSEPH P. RUSSONIELLO
8 United States Attorney

9 
10 STEPHEN G. CORRIGAN
Acting Chief, Oakland Branch

11
12 (Approved as to form:


AUSA WADE M. RHYNE

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INDICTMENT